

Chairman Larry Ruth called the meeting to order at 7:32 P.M. Members present were Gene Bavis, Elaine Leasure, Larry Ruth, Deb Amsler and Pete Schillaci. Also present was Phil Williamson, Norm Druschel and Brendan Bystrak.

Pete Schillaci made a motion, seconded by Elaine Leasure, to dispense with the formal reading of the legal notice. Motion carried.

Gene Bavis made a motion, seconded by Elaine Leasure, to approve the minutes of November 13, 2006 meeting as presented.

Roll Vote:	Gene Bavis	Aye
	Elaine Leasure	Aye
	Larry Ruth	Aye
	Deb Amsler	Aye
	Pete Schillaci	Aye

Motion carried.

- 1. Application for modification of the Orchard View Subdivision Cluster Development as approved by the Town of Walworth Planning Board in April of 2002 pursuant to Chapter 180-18 Cluster Development of the Town of Walworth Municipal Code and Section 278 of the Town Law, of the State of New York. The proposed modifications are itemized below and outline the code requirements, reduced threshold for cluster development and requested modifications associated with this application:**

Orchard View Subdivision modifications

- Increase the number of Lots from the previously approved 124 to 142 (18 additional. Town code permits a maximum of 164 (2 per acre).
- Modification of Front Setback from the previously approved 40 feet, requesting 25 feet. Town code requires 60 feet.
- Modification of Front Corner from the previously approved 40 feet, requesting 20 feet. Town code requires 60 feet.
- Modification to lot area from the previously approved 15,300 ft², requesting 6,600 ft² minimum. Town code requires 21,780 ft².
- Modification to lot width from the previously approved 85 feet, requesting 60 feet. Town Code requires 100 feet.
- Modification to Access (Right-of-Ways) requesting 40 feet. Town Code requires 60 feet as private roads within Homeowner's Association.

These modifications apply to the original limited portions of phase 2b and phases 3 and 4 of the approved cluster development. In addition to the above modifications the applicant is requesting preliminary and final site plan subdivision approval for phase 3A consisting of 13 lots off Orchard Street.

Larry Heininger, of HBMA Architecture, Engineering and Land Surveying was present along with Anthony Evans and Paul Dimmick of Orchard View Development. Mr. Heininger presented the latest map showing the above-mentioned modifications to the Orchard View Subdivision.

Larry Heininger addressed those present. He stated that there is a very strong market for baby boomers with children no longer at home that would like to downsize. They are looking for smaller homes with first floor master bedroom suites, on smaller lots requiring less yard maintenance. The typical lot will be 60 ft. wide and 115 ft. deep with a comfortable distance between the homes.

The streets will be private and maintained by the Homeowner's Association. The Homeowner's Association will also maintain the park and common green space. The waters and sewer will be public and maintained by the Town.

Larry Heininger explained that the modifications must be referred to the Town Board for approval prior to coming back to the Planning Board for preliminary and final approval for phase 3A.

Chairman Ruth pointed out that the modifications are in accordance with the zoning regulations. The requested modifications will increase the original approval by 18 units to a total of 142. The maximum number of units permitted by Section 180 (Cluster Development) of the Town code is 164 (2 per acre).

Brendan Bystrak, Town Engineer has reviewed the preliminary overall and Preliminary/Final Phase 3A plans including all revisions from the previously approved plan and offered extensive comments in a letter to Larry Heininger, dated December 5, 2006. Mr. Heininger has discussed at length the comments with the Town Engineer and stated that he will comply with the comments in the letter.

Larry Heininger stated that is in the process of amending the NOI (Notice of Intent) and the Storm Water Prevention Plan with the DEC to reflect additional disturbed areas of land because of the modification.

Tony Evans stated that a temporary road has been built for construction vehicles, so vehicles will not be traveling over Orchard Street.

Elaine Leasure questioned whether any comments had been received from the Walworth Fire Department? Mr. Bystrak read a letter from Ed Parkhurst, Fire Chief with three comments:

- Mykola Road should meet all Town and County specifications for a dedicated road.
- The 14 ft. width of pavement with gutters will be suitable for the ladder truck to set up on the hard surface
- The request was made that a hydrant be placed at every intersection, if practical.

Chairman Ruth opened the public hearing.

Gregg Gleba – 3884 Orchard Street – Mr. Gleba stated that he previously lived in the Irondequoit area where teens would loiter and create disturbances in the park areas behind his home. On several occasions police were called to respond. He expressed concern that a similar situation could arise in this subdivision and questioned how the area would be monitored.

Tony Evans responded that he did not foresee such a problem, as the homes would be marketed to the active adult community (minimum ages 50 or 55 years). The Homeowner's Agreement would stipulate that children under the age of 21 would not be permitted in homes in the active adult community. If a situation did arise it would be the responsibility of the residents to contact the authorities. Mr. Evans stated that parents should be responsible for the supervision of their own children.

Tony Evans explained that the green space design would have walking trails with benches placed at various locations along the way. Area Eagle Scouts have expressed interest in helping the designing and cleaning up of the trails.

Mr. Gleba questioned the policy on dogs. Tony Evans stated that the Homeowner's Association will only allow one dog per household and the Town has a leash law that would apply.

Dawn Van Patten – 2085 Johnny Lane – Ms. Van Patten stated that she is the sales agent for Orchard View Development and also a resident of two years. She stated that her home borders a wooded area and there have not been any disturbances the entire time her family has live there.

As the sales agent, Ms. Van Patten stated that she is constantly being asked if they are looking at an active adult community. It is what the baby boomers, empty nesters and retirees are looking for. The ranches attract the most traffic, as one-floor living is a feature today's buyers desire. She stated that the Orchard View Developers are building high quality homes that "answer a need."

Pete Schillaci questioned what the average square footage would be for homes on a small lot? Paul Dimmick responded that the smaller ranch home would be approximately 1,500 square feet and the ranches with first floor masters would average approximately 1,700 square feet.

Jerry Cala – 2132 Johnny Lane – Mr. Cala stated that as a retiree he was attracted the Town of Walworth specifically for what Orchard View Development offered. In comparison to other subdivisions in neighboring towns, the lots are a nice size and not really close together. He stated that he is supportive of the vision of the Developer and looks forward to enjoying the walking trails and park.

James Van Patten – 2085 Johnny Lane – Mr. Van Patten also liked the plan, as there will be more tax dollars coming into the Town with less expense and the potential for lower taxes. He also stated that his subdivision allows younger families with children to buy one of the more traditional homes and have their parents live nearby in the active adult section.

There were no further comments from the public.

Gene Bavis, made a motion, seconded by Pete Schillaci that the Planning Board refer to the Town Board for modification of the previously approved Cluster Development at the 12/21/2006 Town Board Meeting.

Roll Vote:	Gene Bavis	Aye
	Elaine Leasure	Aye
	Larry Ruth	Aye
	Deb Amsler	Aye
	Pete Schillaci	Aye

Motion carried.

2. Review placement of signage for Ganada Pharmacy.

Phil Williamson, Code Enforcement Officer presented a diagram to the Board showing where the lettering and logo, and the sign will be placed on the Ganada Pharmacy located on the Mayberry property.

Mr. Williamson stated that he has reviewed the Code, and the placement of the sign and the lettering is in total compliance. There is no action required, but Mr. Williamson is simply advising the Board of the signage that will be placed on the building. The Planning Board members concurred that the signage was attractive and had no objections.

3. Other – Home Occupation Complaint

Phil Williamson spoke to the Board about a Home Occupation complaint he has received on property located at 656 Jacobs Road, owned by Angelo Affronti. Mr. Williamson explained that the Walworth Planning Board approved with conditions the Home Occupation – Major Category B to operate a small excavating business on April 13, 1998. In May 2002 a complaint was received and Mr. Williamson addressed the issue with Mr. Affronti and it was resolved at that time. Recently, there has been a written complaint, as well as several verbal complaints that the business is now being operated in violation of certain conditions of the original resolution passed by the Planning Board.

On December 4, 2006, Mr. Williamson investigated the complaint and took several photographs of the property that he shared with the Board. Mr. Williamson explained to the Board that the photos indicated that substantial changes had been made to the business operation. Discussion ensued in regard to specific conditions of the original resolution that appear to be in violation. Under Town Code 180.43.1G Home Occupation. Revocation of Home Occupation Major – Category A & B permits, the procedure would be to request that Mr. Affronti appear before the Town of Walworth Planning Board at their next regularly scheduled public meeting (January 8, 2006, 7:30 pm) to show just cause why his Home Occupation Permit should not be revoked. Phil Williamson stated that he would request that Arthur Williams, Town Attorney be present at that meeting.

Phil Williamson pointed out that the Planning Board would not necessarily have to revoke the Home Occupation-Major Category B; a modification could be made, if necessary.

The Planning Board members concurred that Mr. Affronti should be notified. Chairman Ruth will send a letter to Angelo Affronti, along with supporting documentation, requesting that Mr. Affronti appear before the Planning Board at the January 8, 2006 meeting to discuss the issue.

Larry Ruth adjourned the meeting at 8:35 PM.

Gail Rutkowski, Clerk